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OF THE

IDAHO LEGISLATURE

FIRST REGULAR SESSION
FIFTY-EIGHTH LEGISLATURE

**SEVENTY-FIFTH LEGISLATIVE DAY
FRIDAY, MARCH 25, 2005**

Senate Chamber

President Risch called the Senate to order at 10 a.m.

Roll call showed all members present except Senators Andreason, Cameron, Hill, Keough, Lodge, Marley, McGee, Pearce, Richardson, Stegner, Sweet, and Werk, absent and excused. [District 21 seat temporarily vacant.]

Prayer was offered by Chaplain Don Hardenbrook.

The Pledge of Allegiance was led by Jacqui Hart, Page.

The Senate advanced to the Third Order of Business.

Reading and Correction of the Journal

The JUDICIARY AND RULES Committee reports that the Senate Journal of the proceedings of March 24, 2005, was read and approved as corrected.

DARRINGTON, Chairman

There being no objection, the report was adopted and ordered filed in the office of the Secretary of the Senate.

On request by Senator Davis, granted by unanimous consent, the Senate advanced to the Sixth Order of Business.

Reports of Standing Committees

Senator Stegner was recorded present at this order of business.

March 25, 2005

The JUDICIARY AND RULES Committee reports that **S 1231, S 1232, S 1233, S 1234, SCR 119, and SJM 111** have been correctly printed.

DARRINGTON, Chairman

S 1231, S 1232, S 1233, and S 1234 were referred to the Finance Committee.

SCR 119 and **SJM 111** were referred to the Tenth Order of Business, Motions and Resolutions, and ordered held at the Secretary's desk for one legislative day.

March 24, 2005

The JUDICIARY AND RULES Committee reports that **S 1074**, as amended, **S 1165, S 1200, S 1202, S 1203, S 1204, S 1205, S 1206, S 1207, S 1208, and S 1209** have been correctly enrolled.

DARRINGTON, Chairman

The President signed Enrolled **S 1074**, as amended, **S 1165, S 1200, S 1202, S 1203, S 1204, S 1205, S 1206, S 1207, S 1208, and S 1209** and ordered them transmitted to the House for the signature of the Speaker.

March 24, 2005

The JUDICIARY AND RULES Committee reports that **S 1179**, as amended in the House, has been correctly engrossed.

DARRINGTON, Chairman

S 1179, as amended in the House, was filed for first reading.

March 25, 2005

The JUDICIARY AND RULES Committee reports that Senate amendments to **H 291** and **H 100** have been correctly printed.

DARRINGTON, Chairman

The report was ordered filed in the office of the Secretary of the Senate.

March 24, 2005

The COMMERCE AND HUMAN RESOURCES Committee reports out **H 331** with the recommendation that it do pass.

ANDREASON, Chairman

H 331 was filed for second reading.

March 24, 2005

The JUDICIARY AND RULES Committee reports that Enrolled **S 1061, S 1092, S 1099, S 1119, S 1138, S 1142**, as amended in the House, and **S 1188** were delivered to the Office of the Governor at 2:25 p.m., March 24, 2005.

DARRINGTON, Chairman

The report was ordered filed in the office of the Secretary of the Senate.

March 24, 2005

March 24, 2005

The FINANCE Committee reports out **H 364** with the recommendation that it do pass.

CAMERON, Chairman

H 364 was filed for second reading.

March 25, 2005

SENATE HEALTH AND WELFARE COMMITTEE
MINORITY REPORT
DISSENTING TO THE CONCLUSIONS OF THE
COMMITTEE

ON THE NOMINATION OF JOAN M. CLOONAN
TO THE IDAHO BOARD OF ENVIRONMENTAL QUALITY

We, the undersigned Senators, dissent from the report of the Senate Health and Welfare Committee regarding the nomination of Dr. Joan Cloonan as a member of the Idaho Board of Environmental Quality for the following reasons:

1. Idaho Code, section 39-1701(1)(a) provides that “not more than four (4) members” of the seven-member Board of Environmental Quality “shall be from any one (1) political party.” This provision cannot be complied with unless each nominee declares an affiliation with a “political party.” Dr. Cloonan’s paperwork filed with the Governor’s Office and Senate, the records of the Governor’s Office, and her testimony in front of the Senate Health and Welfare Committee represent that Dr. Cloonan is an “Independent.”

2. The representation that Dr. Cloonan is an “Independent” is directly in conflict with the fact that, in 2002, Dr. Cloonan ran for partisan office as a candidate for the Idaho Senate from District 19 as a member of the Republican Party. On the Declaration of Candidacy form filed by Dr. Cloonan with the Secretary of State, Dr. Cloonan declared herself to be a Republican and she appeared as a Republican on the 2002 District 19 ballot.

The minority is satisfied that Dr. Cloonan possesses the qualifications and skills required for her to be on the Board of Environmental Quality. However, to meet the statutory requirements for membership, Board Members are required to accurately report their political party. In 2002, Dr. Cloonan ran for partisan office as a member of the Republican Party. Her appointment and record should indicate that she is from the Republican Party. Because it does not, the minority members of the Health and Welfare Committee oppose the Committee’s recommendation that the Senate confirm the appointment of Joan M. Cloonan to the Idaho Board of Environmental Quality.

Dated this 25th day of March, 2005.

/s/ Senator Kate Kelly
/s/ Senator Elliot Werk

The Minority report was ordered filed in the office of the Secretary of the Senate and was ordered spread upon the pages of the Journal pursuant to Senate Rule 21(B).

The JUDICIARY AND RULES Committee reports it has had under consideration the Gubernatorial appointment listed below and the Committee recommends that said appointment be confirmed by the Senate:

Jay Nielsen to the State Board of Correction, term to expire January 1, 2007.

DARRINGTON, Chairman

The Gubernatorial appointment was referred to the Tenth Order of Business, Motions and Resolutions, and ordered held at the Secretary’s desk for one legislative day.

March 25, 2005

The FINANCE Committee reports out **S 1231**, **S 1232**, **S 1233**, and **S 1234** with the recommendation that they do pass.

CAMERON, Chairman

S 1231, **S 1232**, **S 1233**, and **S 1234** were filed for second reading.

On request by Senator Davis, granted by unanimous consent, the Senate advanced to the Ninth Order of Business.

Messages from the House

March 24, 2005

Mr. President:

I transmit herewith **H 375**, **H 368**, **HCR 25**, **H 298**, as amended, and **HJM 8** which have passed the House.

JUKER, Chief Clerk

H 375, **H 368**, **HCR 25**, **H 298**, as amended, and **HJM 8** were filed for first reading.

March 24, 2005

Mr. President:

I return herewith **S 1222** and **S 1223** which have passed the House.

JUKER, Chief Clerk

S 1222 and **S 1223** were referred to the Judiciary and Rules Committee for enrolling.

March 24, 2005

Mr. President:

I return herewith **S 1174** and **S 1221** which have passed the House.

JUKER, Chief Clerk

S 1174 and **S 1221** were referred to the Judiciary and Rules Committee for enrolling.

March 24, 2005

Mr. President:

I return herewith **SCR 114** which has failed to be adopted by the House.

JUKER, Chief Clerk

SCR 114 was ordered filed in the office of the Secretary of the Senate.

March 24, 2005

Mr. President:

I transmit herewith Enrolled **H 327, H 328, H 329, H 330, H 338, H 339, H 340, H 341, H 342, H 38, H 97**, as amended, **H 252, H 271, H 261, H 197**, as amended, **H 159, H 138, H 263, H 139**, as amended, **H 160**, as amended, **H 54, H 68**, as amended, **H 193**, and **H 266** for the signature of the President.

JUKER, Chief Clerk

The President signed Enrolled **H 327, H 328, H 329, H 330, H 338, H 339, H 340, H 341, H 342, H 38, H 97**, as amended, **H 252, H 271, H 261, H 197**, as amended, **H 159, H 138, H 263, H 139**, as amended, **H 160**, as amended, **H 54, H 68**, as amended, **H 193**, and **H 266** and ordered them returned to the House.

March 24, 2005

Mr. President:

I return herewith Enrolled **S 1034, S 1035, S 1036**, as amended, **S 1044**, as amended, **S 1080, S 1129, S 1130**, as amended, **S 1134, S 1135, S 1136**, as amended, **S 1154**, as amended, **S 1156, S 1161**, as amended, **S 1166, S 1169, S 1194, S 1195, SCR 116, SCR 117**, and **SJM 108** which have been signed by the Speaker.

JUKER, Chief Clerk

Enrolled **S 1034, S 1035, S 1036**, as amended, **S 1044**, as amended, **S 1080, S 1129, S 1130**, as amended, **S 1134, S 1135, S 1136**, as amended, **S 1154**, as amended, **S 1156, S 1161**, as amended, **S 1166, S 1169, S 1194**, and **S 1195** were referred to the Judiciary and Rules Committee for transmittal to the Office of the Governor.

Enrolled **SCR 116, SCR 117**, and **SJM 108** were referred to the Judiciary and Rules Committee for transmittal to the Office of the Secretary of State.

March 24, 2005

Mr. President:

I return herewith Enrolled **S 1122**, as amended in the House, and **S 1193** which have been signed by the Speaker.

JUKER, Chief Clerk

Enrolled **S 1122**, as amended in the House, and **S 1193** were referred to the Judiciary and Rules Committee for transmittal to the Office of the Governor.

The Senate advanced to the Tenth Order of Business.

Motions and Resolutions

Senators Andreason, Cameron, Hill, Lodge, Marley, McGee, Pearce, Richardson, Sweet, and Werk were recorded present at this order of business.

The President announced the Health and Welfare Committee report relative to the Gubernatorial appointment of Joan M. Cloonan as a member of the Idaho Board of Environmental Quality was before the Senate for final consideration.

Moved by Senator Brandt, seconded by Senator Davis, that the report of the Health and Welfare Committee be adopted. The question being, "Shall the motion prevail?"

Roll call vote was requested by Senators Stennett, Kelly, and Werk.

Roll call resulted as follows:

AYES--Andreason, Brandt, Broadsword, Bunderson, Burtenshaw, Cameron, Coiner, Compton, Corder, Darrington, Davis, Gannon, Geddes, Goedde, Hill, Jorgenson, Little, Lodge, McGee, McKenzie, Pearce, Richardson, Schroeder, Stegner, Sweet, Williams. Total - 26.

NAYS--Burkett, Kelly, Malepeai, Marley, Stennett, Werk. Total - 6.

Absent and excused--Keough, Langhorst. Total - 2. [District 21 seat vacant.]

Total - 34.

The President declared the report adopted and directed the Secretary of the Senate to prepare a letter of the Gubernatorial appointment confirmation for his signature, attested to by the Secretary, to be transmitted to the Governor informing him of the action of the Senate.

On request by Senator Goedde, granted by unanimous consent, **HCR 20**, having been held, retained its place on the calendar for one legislative day.

The President announced that **HJM 7** was before the Senate for final consideration, the question being, "Shall the memorial be adopted?"

On motion by Senator Malepeai, seconded by Senator Little, **HJM 7** was adopted by voice vote, title was approved, and the memorial ordered returned to the House.

Senator Keough was recorded present at this order of business.

The President announced that **HJM 9** was before the Senate for final consideration, the question being, "Shall the memorial be adopted?"

On motion by Senator Hill, seconded by Senator Stennett, **HJM 9** was adopted by voice vote, title was approved, and the memorial ordered returned to the House.

The President announced that **SJM 110** was before the Senate for final consideration, the question being, "Shall the memorial be adopted?"

On motion by Senator Bunderson, seconded by Senator Stennett, **SJM 110** was adopted by voice vote, title was approved, and the memorial ordered transmitted to the House.

The Senate advanced to the Eleventh Order of Business.

**Introduction, First Reading and Reference of Bills,
House Petitions, Resolutions, and Memorials**

S 1235

BY FINANCE COMMITTEE

AN ACT

APPROPRIATING MONEYS FOR PROFESSIONAL-TECHNICAL EDUCATION FOR FISCAL YEAR 2006; REAPPROPRIATING ANY UNEXPENDED AND UNENCUMBERED BALANCES; SETTING FORTH THE CONDITIONS FOR REAPPROPRIATION; EXPRESSING LEGISLATIVE INTENT REGARDING RESOURCE SHARING; AND EXPRESSING LEGISLATIVE INTENT REGARDING THE GOVERNANCE OF THE CAREER INFORMATION SYSTEM.

S 1235 was introduced, read the first time at length, and referred to the Judiciary and Rules Committee for printing.

H 291, as amended in the Senate, by State Affairs Committee, was read the first time at length and filed for second reading.

H 100, as amended in the Senate, by Revenue and Taxation Committee, was read the first time at length and filed for second reading.

S 1179, as amended in the House, by State Affairs Committee, was read the first time at length and filed for second reading.

H 375, by Education Committee, was introduced, read the first time at length, and referred to the State Affairs Committee.

H 368, by Revenue and Taxation Committee, was introduced, read the first time at length, and referred to the Local Government and Taxation Committee.

HCR 25, by Ways and Means Committee, was introduced, read at length, and referred to the State Affairs Committee.

H 298, as amended, by Revenue and Taxation Committee, was introduced, read the first time at length, and referred to the Local Government and Taxation Committee.

HJM 8, by Revenue and Taxation Committee, was introduced, read at length, and referred to the Transportation Committee.

The Senate advanced to the Twelfth Order of Business.

Second Reading of Bills

S 1150, as amended, by State Affairs Committee, was read the second time at length and filed for third reading.

S 1170, as amended, by Judiciary and Rules Committee, was read the second time at length and filed for third reading.

S 1147, as amended, by Education Committee, was read the second time at length and filed for third reading.

S 1191, as amended, by State Affairs Committee, was read the second time at length and filed for third reading.

S 1197, as amended, by Judiciary and Rules Committee, was read the second time at length and filed for third reading.

S 1173, as amended, and **S 1201**, by State Affairs Committee, were read the second time at length and filed for third reading.

H 130, as amended, as amended in the Senate, by Judiciary, Rules, and Administration Committee, was read the second time at length and filed for third reading.

H 92, as amended in the Senate, by Resources and Conservation Committee, was read the second time at length and filed for third reading.

H 36, as amended in the Senate, and **H 37**, as amended in the Senate, by Agricultural Affairs Committee, were read the second time at length and filed for third reading.

H 254, as amended in the Senate, and **H 281**, as amended in the Senate, by Revenue and Taxation Committee, was read the second time at length and filed for third reading.

H 145, as amended, as amended in the Senate, by Environment, Energy, and Technology Committee, was read the second time at length and filed for third reading.

H 272, as amended in the Senate, by Judiciary, Rules, and Administration Committee, was read the second time at length and filed for third reading.

H 110, as amended, as amended in the Senate, by Revenue and Taxation Committee, was read the second time at length and filed for third reading.

S 1229 and **S 1230**, by Finance Committee, were read the second time at length and filed for third reading.

H 353, by Appropriations Committee, was read the second time at length and filed for third reading.

H 240 and **H 300**, by State Affairs Committee, were read the second time at length and filed for third reading.

H 306, as amended, as amended, **H 323**, as amended, **H 318**, and **H 354**, by Revenue and Taxation Committee, were read the second time at length and filed for third reading.

H 301, by State Affairs Committee, was read the second time at length and filed for third reading.

H 326, by Ways and Means Committee, was read the second time at length and filed for third reading.

H 334, by State Affairs Committee, was read the second time at length and filed for third reading.

H 226 and **H 227**, by State Affairs Committee, were read the second time at length and filed for third reading, Consent Calendar.

The Senate advanced to the Thirteenth Order of Business.

Third Reading of Bills

H 322 was read the third time at length, section by section, and placed before the Senate for final consideration. Senator McGee arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Brandt, Broadsword, Bunderson, Burkett, Burtenshaw, Cameron, Coiner, Compton, Corder, Darrington, Davis, Gannon, Geddes, Goedde, Hill, Jorgenson, Kelly, Keough, Langhorst, Little, Lodge, Malepeai, Marley, McGee, McKenzie, Pearce, Richardson, Schroeder, Stegner, Stennett, Sweet, Werk, Williams. Total - 33.

NAYS--None.

Absent and excused--Andreason. Total - 1.

Total - 34. [District 21 seat vacant.]

Whereupon the President declared **H 322** passed, title was approved, and the bill ordered returned to the House.

H 337 was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Compton arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Andreason, Brandt, Broadsword, Bunderson, Burkett, Burtenshaw, Cameron, Coiner, Compton, Corder, Darrington, Davis, Gannon, Geddes, Goedde, Hill, Jorgenson, Kelly, Keough, Langhorst, Little, Lodge, Malepeai, Marley, McGee, McKenzie, Pearce, Richardson, Schroeder, Stegner, Stennett, Sweet, Werk, Williams. Total - 34. [District 21 seat vacant.]

Whereupon the President declared **H 337** passed, title was approved, and the bill ordered returned to the House.

H 324 was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Brandt arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Andreason, Brandt, Broadsword, Bunderson, Burkett, Burtenshaw, Cameron, Coiner, Compton, Corder, Darrington, Davis, Gannon, Geddes, Goedde, Hill, Jorgenson, Kelly, Keough, Langhorst, Little, Lodge, Malepeai, Marley, McGee, McKenzie, Pearce, Richardson, Schroeder, Stegner, Stennett, Sweet, Werk, Williams. Total - 34. [District 21 seat vacant.]

Whereupon the President declared **H 324** passed, title was approved, and the bill ordered returned to the House.

H 127, as amended, was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Bunderson arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Andreason, Brandt, Broadsword, Bunderson, Burkett, Burtenshaw, Cameron, Coiner, Compton, Corder, Darrington, Davis, Gannon, Geddes, Goedde, Hill, Jorgenson, Kelly, Keough, Langhorst, Little, Lodge, Malepeai, Marley, McGee, McKenzie, Pearce, Richardson, Schroeder, Stegner, Stennett, Sweet, Werk, Williams. Total - 34. [District 21 seat vacant.]

Whereupon the President declared **H 127**, as amended, passed, title was approved, and the bill ordered returned to the House.

Suspension of Rules

On request by Senator Davis, granted by unanimous consent, all rules of the Senate interfering with the immediate passage of **S 1170**, as amended, were suspended, and the portions of Section 15, Article 3, of the Constitution of the State of Idaho requiring all bills to be read on three several days were dispensed with, this being a case of urgency, and **S 1170**, as amended, was read the third time at length, section by section, and put upon its final passage.

S 1170, as amended, was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Goedde arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Andreason, Brandt, Broadsword, Bunderson, Burkett, Burtenshaw, Cameron, Coiner, Compton, Corder, Darrington, Davis, Gannon, Geddes, Goedde, Hill, Jorgenson, Kelly, Keough, Little, Lodge, Malepeai, Marley, McGee, McKenzie, Pearce, Richardson, Stegner, Sweet, Werk, Williams. Total - 31.

NAYS--Langhorst, Schroeder, Stennett. Total - 3.

Total - 34. [District 21 seat vacant.]

Whereupon the President declared **S 1170**, as amended, passed, title was approved, and the bill ordered transmitted to the House.

Suspension of Rules

On request by Senator Davis, granted by unanimous consent, all rules of the Senate interfering with the immediate passage of **S 1197**, as amended, were suspended, and the portions of Section 15, Article 3, of the Constitution of the State of Idaho requiring all bills to be read on three several days were dispensed with, this being a case of urgency, and **S 1197**, as amended, was read the third time at length, section by section, and put upon its final passage.

S 1197, as amended, was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Kelly arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Andreason, Brandt, Broadsword, Bunderson, Burkett, Burtenshaw, Cameron, Coiner, Compton, Corder, Darrington, Davis, Gannon, Geddes, Goedde, Hill, Jorgenson, Kelly, Keough, Langhorst, Little, Lodge, Malepeai, Marley, McGee, McKenzie, Pearce, Richardson, Schroeder, Stegner, Stennett, Sweet, Werk, Williams. Total - 34. [District 21 seat vacant.]

Whereupon the President declared **S 1197**, as amended, passed, title was approved, and the bill ordered transmitted to the House.

Suspension of Rules

On request by Senator Davis, granted by unanimous consent, all rules of the Senate interfering with the immediate passage of **H 130**, as amended, as amended in the Senate, were suspended, and the portions of Section 15, Article 3, of the Constitution of the State of Idaho requiring all bills to be read on three several days were dispensed with, this being a case of urgency, and **H 130**, as amended, as amended in the Senate, was read the third time at length, section by section, and put upon its final passage.

H 130, as amended, as amended in the Senate, was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Jorgenson arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Andreason, Brandt, Broadsword, Bunderson, Burkett, Burtenshaw, Cameron, Coiner, Compton, Corder, Darrington, Davis, Gannon, Geddes, Goedde, Hill, Jorgenson, Kelly, Keough, Langhorst, Little, Lodge, Malepeai, Marley, McGee, McKenzie, Pearce, Richardson, Schroeder, Stegner, Stennett, Sweet, Werk, Williams. Total - 34. [District 21 seat vacant.]

Whereupon the President declared **H 130**, as amended, as amended in the Senate, passed, title was approved, and the bill ordered returned to the House.

Suspension of Rules

On request by Senator Davis, granted by unanimous consent, all rules of the Senate interfering with the immediate passage of **H 92**, as amended in the Senate, were suspended, and the portions of Section 15, Article 3, of the Constitution of the State of Idaho requiring all bills to be read on three several days were dispensed with, this being a case of urgency, and **H 92**, as amended in the Senate, was read the third time at length, section by section, and put upon its final passage.

H 92, as amended in the Senate, was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Brandt arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Andreason, Brandt, Broadsword, Bunderson, Burkett, Burtenshaw, Cameron, Coiner, Compton, Corder, Darrington, Davis, Gannon, Geddes, Goedde, Hill, Jorgenson, Kelly, Keough, Langhorst, Little, Lodge, Malepeai, Marley, McGee, McKenzie, Pearce, Richardson, Schroeder, Stegner, Stennett, Sweet, Werk, Williams. Total - 34. [District 21 seat vacant.]

Whereupon the President declared **H 92**, as amended in the Senate, passed, title was approved, and the bill ordered returned to the House.

Suspension of Rules

On request by Senator Davis, granted by unanimous consent, all rules of the Senate interfering with the immediate passage of **H 36**, as amended in the Senate, were suspended, and the portions of Section 15, Article 3, of the Constitution of the State of Idaho requiring all bills to be read on three several days were dispensed with, this being a case of urgency, and **H 36**, as amended in the Senate, was read the third time at length, section by section, and put upon its final passage.

H 36, as amended in the Senate, was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Gannon arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Andreason, Brandt, Broadsword, Bunderson, Burkett, Burtenshaw, Cameron, Coiner, Compton, Corder, Darrington, Davis, Gannon, Geddes, Goedde, Hill, Jorgenson, Kelly, Keough, Langhorst, Little, Lodge, Malepeai, Marley, McGee, McKenzie, Pearce, Richardson, Schroeder, Stegner, Stennett, Sweet, Werk, Williams. Total - 34. [District 21 seat vacant.]

Whereupon the President declared **H 36**, as amended in the Senate, passed, title was approved, and the bill ordered returned to the House.

Suspension of Rules

On request by Senator Davis, granted by unanimous consent, all rules of the Senate interfering with the immediate passage of

S 1201 were suspended, and the portions of Section 15, Article 3, of the Constitution of the State of Idaho requiring all bills to be read on three several days were dispensed with, this being a case of urgency, and **S 1201** was read the third time at length, section by section, and put upon its final passage.

S 1201 was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Bunderson arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Andreason, Brandt, Broadsword, Bunderson, Burkett, Burtenshaw, Cameron, Coiner, Compton, Corder, Darrington, Davis, Gannon, Geddes, Goedde, Hill, Jorgenson, Kelly, Keough, Langhorst, Little, Lodge, Malepeai, Marley, McGee, McKenzie, Pearce, Richardson, Stegner, Stennett, Werk, Williams. Total - 32.

NAYS--Schroeder, Sweet. Total - 2.

Total - 34. [District 21 seat vacant.]

Whereupon the President declared **S 1201** passed, title was approved, and the bill ordered transmitted to the House.

Suspension of Rules

On request by Senator Davis, granted by unanimous consent, all rules of the Senate interfering with the immediate passage of **H 37**, as amended in the Senate, were suspended, and the portions of Section 15, Article 3, of the Constitution of the State of Idaho requiring all bills to be read on three several days were dispensed with, this being a case of urgency, and **H 37**, as amended in the Senate, was read the third time at length, section by section, and put upon its final passage.

H 37, as amended in the Senate, was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Gannon arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Andreason, Brandt, Broadsword, Bunderson, Burkett, Burtenshaw, Cameron, Coiner, Compton, Corder, Darrington, Davis, Gannon, Geddes, Goedde, Hill, Jorgenson, Kelly, Keough, Langhorst, Little, Lodge, Malepeai, Marley, McGee, McKenzie, Pearce, Richardson, Schroeder, Stegner, Stennett, Sweet, Werk, Williams. Total - 34. [District 21 seat vacant.]

Whereupon the President declared **H 37**, as amended in the Senate, passed, title was approved, and the bill ordered returned to the House.

Suspension of Rules

On request by Senator Davis, granted by unanimous consent, all rules of the Senate interfering with the immediate passage of **H 281**, as amended in the Senate, were suspended, and the portions of Section 15, Article 3, of the Constitution of the State of Idaho requiring all bills to be read on three several days were

dispensed with, this being a case of urgency, and **H 281**, as amended in the Senate, was read the third time at length, section by section, and put upon its final passage.

H 281, as amended in the Senate, was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Hill arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Andreason, Brandt, Broadsword, Bunderson, Burtenshaw, Cameron, Coiner, Compton, Corder, Davis, Geddes, Hill, Jorgenson, Kelly, Keough, Langhorst, Little, Lodge, Malepeai, Marley, McGee, McKenzie, Pearce, Richardson, Stegner, Stennett, Sweet, Werk, Williams. Total - 29.

NAYS--Schroeder. Total - 1.

Absent and excused--Burkett, Darrington, Gannon, Goedde. Total - 4.

Total - 34. [District 21 seat vacant.]

Whereupon the President declared **H 281**, as amended in the Senate, passed, title was approved, and the bill ordered returned to the House.

Suspension of Rules

On request by Senator Davis, granted by unanimous consent, all rules of the Senate interfering with the immediate passage of **S 1230** were suspended, and the portions of Section 15, Article 3, of the Constitution of the State of Idaho requiring all bills to be read on three several days were dispensed with, this being a case of urgency, and **S 1230** was read the third time at length, section by section, and put upon its final passage.

S 1230 was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Hill arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Andreason, Brandt, Broadsword, Bunderson, Burkett, Burtenshaw, Cameron, Coiner, Compton, Corder, Darrington, Davis, Gannon, Geddes, Goedde, Hill, Jorgenson, Kelly, Keough, Langhorst, Little, Lodge, Malepeai, Marley, McGee, McKenzie, Pearce, Richardson, Schroeder, Stegner, Stennett, Sweet, Werk, Williams. Total - 34. [District 21 seat vacant.]

Whereupon the President declared **S 1230** passed, title was approved, and the bill ordered transmitted to the House.

On request by Senator Davis, granted by unanimous consent, the Senate returned to the Fifth Order of Business.

Petitions, Resolutions, and Memorials

SJM 112
BY STATE AFFAIRS COMMITTEE
 A JOINT MEMORIAL

TO THE SENATE AND HOUSE OF REPRESENTATIVES OF THE UNITED STATES IN CONGRESS ASSEMBLED, AND TO THE CONGRESSIONAL DELEGATION REPRESENTING THE STATE OF IDAHO IN THE CONGRESS OF THE UNITED STATES.

We, your Memorialists, the Senate and the House of Representatives of the State of Idaho assembled in the First Regular Session of the Fifty-eighth Idaho Legislature, do hereby respectfully represent that:

WHEREAS, many Idaho companies and producers rely on the navigable waters of the Snake River, Clearwater River and Columbia River to ship wood products, agricultural products and other commodities between Lewiston, Pasco and Portland; and

WHEREAS, cost savings of transportation by barge on the lower Snake River, compared to other transportation methods, are estimated to save Idaho shippers millions of dollars per year; and

WHEREAS, over the course of a number of years, shipping has become more difficult due to drought-related low water levels and sediment accumulation. The U.S. Army Corps of Engineers has determined that in some areas, channel depth has been reduced to only 10 feet; and

WHEREAS, the Corps is mandated by Congress to maintain a 14-foot shipping channel in the river. In previous nondrought years, the Corps has maintained the shipping channel depth by raising the level of water behind the dams; and

WHEREAS, barges typically have a draft of about 13 feet and port managers and shipping companies are now having to light-load barges to avoid getting stuck in shallow areas of the ports and the river; and

WHEREAS, the Corps planned to dredge sediment from the shipping channel to the river edges, which the Corps maintained would not only solve the navigation problems but also improve shallow rearing habitat, but efforts have been forestalled by opponents.

NOW, THEREFORE, BE IT RESOLVED by the members of the First Regular Session of the Fifty-eighth Idaho Legislature, the Senate and the House of Representatives concurring therein, that we urge the U.S. Army Corps of Engineers to continue to work toward the development of a long-term sediment management plan.

BE IT FURTHER RESOLVED by the members of the First Regular Session of the Fifty-eighth Idaho Legislature, the Senate and the House of Representatives concurring therein, that we urge Congress to take whatever steps are possible to facilitate dredging of the Snake and Clearwater Rivers by the U.S. Army Corps of Engineers.

BE IT FURTHER RESOLVED that the Secretary of the Senate be, and she is hereby authorized and directed to forward a copy of this Memorial to the President of the Senate and the Speaker of the House of Representatives of Congress, and the congressional delegation representing the State of Idaho in the Congress of the United States.

SJM 112 was introduced, read at length, and referred to the Judiciary and Rules Committee for printing.

The Senate advanced to the Sixth Order of Business.

Reports of Standing Committees

March 25, 2005

The JUDICIARY AND RULES Committee reports that **SJM 112** has been correctly printed.

DARRINGTON, Chairman

SJM 112 was referred to the Tenth Order of Business, Motions and Resolutions, and ordered held at the Secretary's desk for one legislative day.

March 25, 2005

The STATE AFFAIRS Committee reports out **H 269** and **H 313** with the recommendation that they do pass and with the recommendation that they be placed on the Consent Calendar.

BURTENSCHAW, Chairman

H 269 and **H 313** were filed for second reading.

March 25, 2005

The STATE AFFAIRS Committee reports out **H 351**, **HCR 21**, and **H 333** with the recommendation that they do pass.

BURTENSCHAW, Chairman

H 351 and **H 333** were filed for second reading.

HCR 21 was referred to the Tenth Order of Business, Motions and Resolutions, and ordered held at the Secretary's desk for one legislative day.

On request by Senator Davis, granted by unanimous consent, the Senate advanced to the Fifteenth Order of Business.

Miscellaneous Business

On motion by Senator Davis, seconded by Senator Stennett, by voice vote the Senate adjourned at 1:10 p.m. until the hour of 9 a.m., Tuesday, March 29, 2005.

JAMES E. RISCH, President

Attest: JEANNINE WOOD, Secretary